

U.S. vs. Marshaw Chemical Company C72-214

MAR 11 1974

James O. McDonald, Director  
Enforcement Division

Richard Johnson, Deputy Assistant  
Administrator for Water Enforcement

US EPA RECORDS CENTER REGION 5



468492

Enclosed is a copy of the Consent Decree entered in the above case on February 27, 1974.

The case started in 1971 when four students sent to the U.S. Attorney an inspection report describing in detail two leaks from lagoons. The U.S. Attorney then asked Region V to investigate this incident. On February 25, 1972, Region V sent to the U.S. Attorney the results of our investigation. In summary, it was concluded that the discharges contained industrial refuse, settleable solids, had a high pH and had been continuous for an extended period of time.

On March 2, 1972, the U.S. Attorney filed a civil complaint for injunctive relief alleging that from approximately 1970 to the present, Marshaw has been and is discharging refuse matter, including but not limited to mercury, acids, suspended solids, dissolved solids and settleable solids contributing to the pollution of the Black River and Lake Erie in contravention of the Refuse Act.

The Consent Decree in this case is the result of extensive negotiations with the U.S. Attorney, EPA and the corporation. During most sessions both technical and legal personnel were present for both the plaintiff and the defendant. On Thursday, January 17, 1974 the required notice was published in the Federal Register. On February 27, 1974 the Consent Decree was entered by the Court.

The Consent Decree requires Marshaw to meet certain interim effluent limits for its waste discharges by June 30, 1975 and certain final effluent limits for these discharges by December 31, 1976. The constituents limited include ammonia, cadmium, copper, lead, nickel, mercury, zinc, suspended solids, oil and grease and pH. In addition, after July 1, 1975 all discharges to the City of Elyria sewerage system must meet the city ordinance or the pretreatment standards promulgated pursuant to Section 307(b), whichever is more stringent.

ORIGINAL SIGNED BY JAMES O. McDONALD

James O. McDonald

Enclosure

HEB WR

bcc: Luss  
Paluch

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*MR & F/RB*

R.D. Luss/alg 3/7/74